

Aviation-Related Legislation in the California Legislature

1. **AB 1108 (Pavley): “CEQA: Scoping Meetings: Military Areas” and SB 1468 (Knight): “General Plans: Military Facilities”:** Existing law requires: a) Cities and counties to prepare General Plans, including land use, housing, and conservation elements; b) Consistency between airport land use compatibility plans and city and county General Plans; and c) *Lead agencies to have scoping meetings for projects of statewide, regional, or areawide significance.*

AB 1108 would allow a lead agency to have one scoping meeting under the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), if interested and affected parties were invited and provided a notice to the NEPA meeting for projects of statewide, regional, or areawide significance. The bill is sponsored by the U.S. Navy, and would require the lead agency to notify the Department of Defense (DOD) when a proposed project may affect military activities. Terms in the bill include "low-level flight path", "military impact zone", "military readiness activities", and "special use airspace". If a lead agency determines that there would be an adverse environmental impact on an endangered or threatened species from a project, the lead agency may not utilize habitat or conservation programs on adjacent military facilities to mitigate the impact. AB 1108 is on the Senate Committee on Appropriations' Consent Calendar.

SB 1468 would state the Legislature's intent is the protection of the military installations and airspace is in the public interest. The bill would require the next revision to the General Plan's land use element to consider the impact of new growth on military readiness activities, when proposing zoning ordinances, or designating land use covered by the General Plan. The Plan's conservation element would consider the effect of civilian development on natural resources located on military installations, and provide a buffer to the military installation. The State would enter into an agreement with the Department of Defense or other federal agency to use federal funds to reimburse any city or county claims of state mandated local costs due to the legislation. The Governor's Office of Planning and Research would be required to prepare a handbook, if federal funds are available, to advise local governments, planners, and developers to reduce land use conflicts between civilian land uses and military facilities and operations. In each county without an airport land use commission, and which has a military airport, the General Plan shall be consistent with the safety and noise standards for the Air Installation Compatible Use Zone (AICUZ) prepared for that military airport. Each ALUC with a military airport in its jurisdiction would be required to prepare an airport land use compatibility plan for that military airport, to also be consistent with the safety and noise standards for the Air Installation Compatible Use Zone (AICUZ) prepared for that military airport. Federal funds would not be available to ALUCs for this function. SB 1468 is pending in the Assembly Committee on Appropriations.

2. **AB 1436 (Correa): “Military Base Reuse: Orange County”:** AB 1436 would prohibit the annexation of any inhabited property on El Toro to any city, until El Toro has been transferred to the local redevelopment authority recognized pursuant to California statute. AB 1436 is in the Inactive File on the Senate Floor.
3. **AB 2095 (Kehoe) and SB 1703 (Peace): “San Diego Regional Agency”:** These bills would create this Agency, which would replace the San Diego Association of Governments (SANDAG) as the metropolitan planning organization/regional transportation planning agency for the region. The Regional Agency would not have authority over local land use decisions affecting zoning or permitting of public or private development projects.

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AB 2095 *would*: a) Include coordination of surface transportation in the border area with Mexico; b) Express the Legislature's intent that financial support for the activities of the Agency will be made available by the federal, state, and local sources normally available for transportation; c) *Specify the Agency as consisting of 20 members from designated areas in San Diego County, with the City of San Diego having two members*, and is intended "to resolve transportation problems and meet the challenges of continued population growth in the San Diego Region"; d) *Require the Agency to report to the Legislature every two years; and e) Voter approval in the County of San Diego would be required to create the Agency*. AB 2095 is pending in the Senate Committee on Transportation.

SB 1703 *would have a 19-member Agency, which would consolidate with regional planning and programming responsibilities for transit services. The Agency would coordinate regional planning for determining appropriate housing element reform practices. SB 1703 is pending in the Assembly Committee on Appropriations.*

4. **AB 2304 (Wyman): "Income and Bank and Corporation Taxes: Credit: Aviation Wages"**: This bill would provide, a tax credit of up to \$10,000 annually, for wages paid by a taxpayer and earned under contract or subcontract executed on or after January 1, 2003 and before January 1, 2013, with the "Department of Defense, a branch of the military, the National Aeronautics and Space Administration, or a private commercial or general aviation company, to research, develop, manufacture, test, distribute, or refurbish property for use in aircraft". This bill would take effect immediately as a tax levy. AB 2304 is on the Assembly Committee on Appropriations' Consent Calendar.
5. **AB 2333 (Nakano): "Transportation: Funding"**: This bill cites the Legislature's intent to provide for economic development and job growth, as well as mitigating the impact of noise, air quality, and traffic congestion among the region's airports. It would provide that a "fair distribution" of the burdens and benefits of passenger and cargo demand among the counties of Los Angeles, Orange, San Bernardino, and Riverside in the Southern California Association of Governments (SCAG) region *act as a guiding policy in the Regional Transportation Plan's (RTP's) Aviation Program*. SCAG would provide that the principles of environmental justice are considered in the development of the RTP's Aviation Program. AB 2333 failed passage in the Senate Committee on Transportation, but reconsideration was granted.
6. **AB 2439 (Campbell): "Airports: Land Use"**: This bill would require an airport land use commission to review "any related comprehensive land use plan" within two years from the date the real property containing the former military airport is transferred to new ownership. AB 2439 was scheduled for hearing in the Assembly Committee on Local Government, but the hearing was canceled at the request of the author. AB 2439 is also pending in the Assembly Committee on Transportation.
7. **AB 2522 (Dutra): "California Highway Patrol (CHP): Transportation System"**: The bill cites the November 20, 2001 security and safety hearing of the Assembly Transportation Committee. AB 2522 would require the California Highway Patrol, in cooperation with the Office of Emergency Services (OES) and other government agencies, to perform *an overview of any risk that may exist* in the state's transportation system (i.e., within the scope of the responsibilities of the CHP), and to submit the confidential report to the Legislature by January 1, 2003. The assessment would identify security deficiencies and mitigation measures. The bill

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would take effect immediately as an urgency statute. *AB 2522 is on the Senate Committee on Appropriations' Consent Calendar.*

8. **AB 2719 (Maldonado): "Aeronautics":** Under existing law: a) The California Transportation Commission (CTC) is required to submit an annual report to the Legislature; and b) The sales tax on jet fuel generates over \$100 million in revenues annually for the State's General Fund. The Legislature's intent is to implement, *upon appropriation of funds in the annual Budget Act*, certain recommendations of the CTC's 2001 Annual Report to the Legislature relating to airport security. *AB 2719 passed the Assembly, but has not yet been assigned to a policy committee in the Senate.*
9. **AB 2776 (Simitian): "Airport Noise: Disclosure Notice":** The Legislature finds that current mechanisms are inadequate for providing notice to homebuyers of the proximity of airports to the property they are purchasing. Existing law provides that: a) Any person offering for sale or lease subdivided land must provide, among other things, notice of an airport; and b) An airport is not a nuisance. This bill specifies that a new notice would be added, "Notice of Airport in Vicinity", when property is within an airport influence area:

"This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the **annoyances** or **inconveniences** associated with proximity to airport operations (noise, vibration, or odors for example). Individual sensitivities to such **annoyances** can vary from person to person. You may wish to consider what airport **annoyances** effects related to aircraft operations, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

The bill would define an airport influence area, and an airport referral area, as determined by an airport land use commission. *If a Natural Hazard Disclosure Report, that includes a notice of airport in vicinity, is provided to a buyer of real property, then the broker or seller is not required to provide additional information. The notice of an airport influence area would not constitute a title defect, lien, or encumbrance.* AB 2776 would become operative on January 1, 2004. The Department is cooperating with the author's office and the real estate industry. *Proponents of the bill are interested in identifying an overlay of the airport influence or referral area on a parcel map, in order to identify which parcels would need a disclosure notice.* AB 2776 is sponsored by the San Carlos Pilots Association. *The bill is scheduled for hearing in the Senate Committee on Appropriations on July 2, 2002.*

10. **AB 2815 (Simitian): "Airport Ground Transportation":** The bill states that it is the intent of the Legislature, in subsequent legislation, to require drivers and owners of ground transportation carriers at airports to be licensed by the Public Utilities Commission, and be subject to public safety background checks. The PUC would cooperate with the federal Transportation Security Administration. AB 2815 has not yet been assigned to a policy committee in the Assembly.
11. **AB 2897 (Wiggins) and SB 1510 (Knight): "Sales and Use Taxes on Fuel: Exemptions: Air Common Carriers":** These bills would reduce the sales taxes on air carriers' purchase of aircraft jet fuel. AB 2897 would exempt the sales amount above \$.50 per gallon from the sales tax on jet fuel. *In AB 2897, the Legislative Analyst's Office would be required to report, by April 1, 2005, on the effect of the exemption on aircraft jet fuel sales, and whether they had an*

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economic impact on California. The bill would sunset on January 1, 2006, unless the exemption were extended. SB 1510 would exempt from the sales tax on jet fuel the amount sold for use beyond the first out-of-state destination by an air carrier. These bills would take effect immediately as tax levies. AB 2897 is held under submission in the Assembly Committee on Appropriations. SB 1510 will have further hearing in the Senate Committee on Revenue and Taxation.

12. **AB 3026 (Dutra): “Omnibus Transportation Bill”:** *This bill would change the term “comprehensive land use plan” in the Public Resources and Utilities Codes to “airport land use compatibility plan”. AB 3026 is on the Consent Calendar of the Senate Committee on Appropriations.*
13. **ACR 119 and ACR 120 (Runner): “Aerospace Highway” and “Aerospace Valley Monument”:** *These resolutions would dedicate a portion of State Highway 14 to State Highway 395 near Edwards Air Force Base as the “Aerospace Highway” and establish a monument and plaque in that area, in recognition of the major accomplishments of aviators in the region. ACR 120 recognizes the contributions of: a) NASA Dryden Air Force Rocket Propulsion Laboratory; and b) Air Force Plant 42 in air and space vehicles. ACR 119 and ACR 120 are Resolution Chapters 83 and 84 of 2002, respectively.*
14. **AJR 31 (Thomson): “Terrorism Funding”:** *This resolution would request Congress and the President to enact legislation to provide funds to state and local governments for increased security measures since September 11, 2001. AJR 31 is Resolution Chapter 61 of 2002.*
15. **AJR 39 (Alquist), AJR 40 (Diaz), and SJR 41 (Speier): “Airport Security Screeners”:** *AJR 39 cites that screeners at airports in the Bay Area are mostly of Filipino descent. AJR 39 would memorialize the Congress and the President to: a) Suspend or eliminate the requirement that security screeners be U.S. citizens, and instead provide that screeners should meet the same immigration requirement as persons that serve in the National Guard; b) Screeners that have applied for citizenship should be allowed to retain their jobs, and c) These screeners should not be subject to waiting time penalties. AJR 40 cites the Legislature’s strong support of two Congressional bills, H.R. 3416 and H.R. 3503, which would assist noncitizen airport security screeners to become U.S. citizens. AJR 40 would also provide assistance to these screeners through extended unemployment benefits, job retraining programs, and naturalization assistance if the noncitizen requirement in the federal law is not repealed. SJR 41 would support S. 1289 or H.R. 3505 to provide for transitional employment for qualified lawful permanent resident alien airport security screeners until their naturalization processes are completed on an expedited basis. AJR 39 is pending in the Senate Committee on Governmental Organization. AJR 40 has not yet been assigned to a policy committee in the Assembly. SJR 41 is pending in the Senate Committee on Governmental Organization.*
16. **SB 865 (Polanco): “California-Mexico Border Infrastructure Financing Authority”:** *Population growth along the California and Mexico border will lead to “escalating infrastructure deficits” by 2020, including airports. This bill would create the above authority, which would be required to issue revenue bonds for construction of infrastructure. Projects would be revenue-generating, such as air cargo facilities. The bill is held under submission in the Assembly Committee on Appropriations.*

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17. **SB 1053 (Knight): “Centennial of Flight Program”:** Under existing law, the California Department of Education (CDE) is required to assist school districts in developing an aviation education program. SB 1053 would emphasize, in that aviation education program, materials to commemorate the 100th anniversary of the Wright Brothers’ first flight. CDE would be encouraged to use resources from the National Aeronautics and Space Administration and the U.S. Centennial of Flight Commission. School districts are encouraged to integrate aviation into mathematics, science, social studies, and vocational training, and to work with NASA centers in California. There has been no activity on this bill in 2002. The bill is pending in the Assembly Committee on Appropriations.
18. **SB 1243 (Torlakson): “Metropolitan Transportation Commission (MTC): ABAG”:** The bill renames the MTC as the Bay Area Land Use and Transportation Commission, which would, by January 1, 2004, assume the statutory land use functions of the Association of Bay Area Governments. By January 1, 2005, and every five years thereafter, the Commission would develop a long-range policy plan for the region. By the same date, the new Commission would prepare and present to the Legislature a blueprint for combining the two agencies. *SB 1243 was scheduled for hearing in the Assembly Committee on Local Government, but it was cancelled.*
19. **SB 1279 (Murray): “Bond Act: Antiterrorism Safety”:** This bill would provide **\$2 billion** through a bond act, for (among others) airport and airspace "security improvements and enhancements" (amount is unknown). The bill states that "'Seaport or airport agency' means a port serving a large metropolitan area". If enacted, the bill would go into effect immediately for the preservation of public health and safety, to be scheduled for the next statewide general election. *SB 1279 is held in submission in the Senate Committee on Appropriations.*
20. **SB 1533 (Poochigian): “Airport Security Grants”:** This bill would *allow the Department, upon allocation by the California Transportation Commission, to provide 10% of the local match to publicly owned airports with less than 100,000 annual aircraft operations*, for federal security grants funded by the Airport Improvement Program. The Department has: a) Learned from the sponsor, the Regional Council of Rural Counties, that the intent of the bill is to use state funds for 100% of the local match for airport security projects at rural GA airports; and b) Been working with the author on this bill. *SB 1533 is on the Consent Calendar of the Assembly Committee on Appropriations.*
21. **SB 1896 (Peace): “San Diego County Regional Airport Authority”:** Governor Davis requested the authors of AB 93, Chapter 946 of the Statutes of 2001, to submit clean-up legislation to resolve concerns about AB 93. This bill removes the previous mandate that all state and federal grants for all airports in San Diego County pass through the Airport Authority. SB 1896 requires the Authority to develop a plan to evaluate sites for a regional airport for the County. The Airport Authority would be required to submit an airport site recommendation to the voters of San Diego County in the November 2, 2004 election. SB 1896 also specifies that the FAA would make a determination that the Airport Authority is an eligible airport sponsor. No other public agency would be allowed to significantly expand activities, including increased capacity, unless it is approved by the Authority to be consistent to its Regional Air Transportation Plan, and is authorized in an adopted airport land use compatibility plan. The Port of San Diego would retain control of the San Diego Harbor Police Department, which will provide exclusive security services to the San Diego International Airport as long as it remains at Lindbergh Field. No employee would lose employment or a reduction in wages as a result of this law. *Claims for any state-mandated local program costs would be determined by the Commission on State*

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Mandates. The bill would take effect immediately as an urgency statute. *SB 1896 is pending in the Assembly Committee on Local Government.*

22. **SCR 70 (Knight): “Aviation Maintenance Technician Day”:** This resolution would recognize the achievements of Charles Taylor in developing the first engine for the Wright brothers’ historic December 17, 1903 flight. Mr. Taylor’s birthday of May 24, 2002, and every May 24th in each following year, would be declared “Aviation Maintenance Technician Day” in California. *SCR 70 is Resolution Chapter 52 of 2002.*
23. **SJR 17 (Vincent): “Federal Interstate Highways: International Airports: Schools”:** SJR 17 stated that airports and freeways have a “significant detrimental impact on adjacent schools”; the resolution suggests that billboard revenue could offset the detrimental impacts. The resolution urges Congress and the President to establish a “Federal Transportation Impact Assistance Program” for schools located within two miles of an international airport, or adjacent to federal-aid highways. The resolution passed the Senate and is pending in the Assembly Committee on Transportation.
24. **SJR 24 (Knight): Military Base Closures”:** The author states that additional military bases will close in 2003 and 2005. This resolution would advocate the continued existence of military bases in California through the next round of base closures. SJR 24 is pending in the Senate Committee on Governmental Organization.